REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 14-18 are pending in the present application; Claims 14-17 have been amended; Claim 18 having been added, and Claims 1-13 have been previously canceled without prejudice or disclaimer. Applicants respectfully assert that support for the changes to Claims 14-17 is self-evident from the originally filed disclosure, including the original claims. Support for new Claim 18 is found, for example, in original Claim 15. Thus, no new matter is added.

In the outstanding Office Action, Claim 14 was rejected under 35 U.S.C. §101 as directed to non-statutory subject matter; Claims 14-17 were rejected under 35 U.S.C. §103(a) as unpatentable over Saeki et al. (U.S. Patent No. 6,263,155, hereinafter Saeki) in view of Gotoh et al. (U.S. Patent No. 6,292,625, hereinafter Gotoh); Claims 14-17 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as unpatentable over Claims 14-17 of copending Application No. 10/669,525 in view of Saeki; Claims 14-17 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as unpatentable over Claims 14-17 of copending Application No. 10/801,699 in view of Saeki; Claims 14-17 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as unpatentable over Claims 14-17 of copending Application No. 10/801,678 in view of Saeki; Claims 14-17 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as unpatentable over Claims 14-17 of copending Application No. 10/801,701 in view of Saeki; Claims 14-17 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as unpatentable over Claims 14-17 of copending Application No. 10/801,700 in view of Saeki; Claims 14-17 were provisionally rejected under

the judicially created doctrine of obviousness-type double patenting as unpatentable over Claims 14-17 of copending Application No. 10/801,862 in view of Saeki; Claims 14-17 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as unpatentable over Claims 14-17 of copending Application No. 10/801,863 in view of Saeki; Claims 14-17 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as unpatentable over Claims 14-17 of copending Application No. 10/801,865 in view of Saeki; Claims 14-17 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as unpatentable over Claims 14-17 of copending Application No. 10/801,866 in view of Saeki; and Claims 14-17 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as unpatentable over Claims 14-17 of copending Application No. 10/802,004 in view of Saeki.

As for the rejection of Claim 14 under 35 U.S.C. § 101, that rejection is respectfully traversed. Claim 14 has been amended to recite a recording/reproducing apparatus employs the control information to manage the video object data. Accordingly, it is respectfully requested that this rejection be withdrawn.

MPEP § 2106 discusses statutory subject matter in relation to data structures of a computer readable medium. Particularly, MPEP § 2106 provides,

> **a claimed computer-readable medium encoded with a data structure defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure's functionality to be realized, and is thus statutory.**

Thus, based on the clear language of this section, Claim 14 is statutory as it defines a functionality of which is realized based on the interrelationship of the structure to the medium and recited hardware components.

Further, should the Examiner disagree with the above passage, MPEP § 2106 also states that,

> Whenever practicable, Office personnel should indicate how rejections may be overcome and how problems may be resolved. A failure to follow this approach can lead to unnecessary delays in the prosecution of the application.

Applicants respectfully submit, as noted above, that the rejection under 35 U.S.C. §101 should be withdrawn. However, if the rejection under U.S.C. §101 is to be maintained, applicants respectfully request that the Examiner provide an explanation of the rejection in view of the guidelines of MPEP §2106.

With respect to the rejection of Claim 14 under 35 U.S.C. §103(a) as unpatentable over Saeki in view of Gotoh, Applicants respectfully traverse this ground of rejection. Claim 14 recites, *inter alia*, "an error correction code block address relates to the predetermined number of said sectors, said video object data being allocated with an integral multiple of said predetermined number of said sectors." The outstanding Office Action states that "Saeki fails to teach using an error correcting block address."[1] The outstanding Office Action relies on Gotoh to describe an error correction code block. Applicants respectfully submit that Gotoh does not describe or suggest "an error correction code block address relates to the predetermined number of said sectors, said video object data being allocated with an integral multiple of said predetermined number of said sectors."

According to amended Claim 14, the video data is allocated with an integral multiple of the predetermined number of the sectors (e.g., 16 sectors as a unit of the AV address), and the error correction code (ECC) block address corresponds to the predetermined number of the sectors (e.g., 16 sectors as an address unit).[2] Thus, the video data can be read/written using the ECC block address.

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[1] Office Action, page 4.
[2] Specification, page 60, lines 9-17.

The outstanding Office Action relies on col. 8, lines 20-40 of Gotoh to describe that an ECC block address is defined in units of error correction blocks.[3] However, this section of Gotoh only describes that each ECC block has a starting address. This description in Gotoh does not describe or suggest that the ECC block is used as unit of address, nor does it suggest that ECC block address corresponds to the predetermined number of the sectors, where the video object data is allocated with an integral multiple of the predetermined number of the sectors. There is no description or suggestion in Gotoh that the ECC block address is used to read or write video data.

Gotoh at col. 6, lines 9-13 describes that an ECC operation is performed for each group of 16 sectors. However, this does not mean that each 16-sector ECC operation is used as a unit of address, nor does it suggest that each ECC block address corresponds to the predetermined number of sectors, where the video object data is allocated with an integral multiple of the predetermined number of the sectors.

Furthermore, col. 11, lines 50-58 of Gotoh describes that an AV file is allocated to align with an ECC block boundary. However, this does not mean that each ECC block is used as a unit of address, nor does it describe or suggest that each ECC block address corresponds to the predetermined number of the sectors, where the video object data is allocated with an integral multiple of the predetermined number of the sectors. Rather, a logical block number (LBN) shown in Fig. 9 of Gotoh is used as a unit of address, and the ECC block boundary is determined by specifying the corresponding LBN. Thus, the address unit of Gotoh is the LBN, and not the ECC block.[4]

In view of the above-noted distinctions, Applicants respectfully submit that Claim 14 patentably distinguishes over Saeki and Gotoh, taken alone or in proper combination. Amended Claims 15-17 and new Claim 18 are similar to amended Claim 1. Thus, Applicants

[3] *Id.*
[4] *See*, Gotoh, col. 10, lines 7-28.

respectfully submit that Claims 15-18 patentably distinguish over Saeki and Gotoh, taken alone or in proper combination, for at least the reasons stated for Claim 1.

Turning now to the provisional rejections based on non-statutory double patenting, Applicants respectfully submit that Claims 14-17 are patentably distinct from the claims of co-pending Application Nos. 10/669,525; 10/801,699; 10/801,678; 10/801,701; 10/801,700; 10/801,862; 10/801,863; 10/801,865; 10/801,866; and 10/802,004.

However, to expedite progress toward allowance, a Terminal Disclaimer is filed herewith. Thus, Applicant submits the provisional rejections of the claims are moot.

The filing of a Terminal Disclaimer to obviate a rejection based on nonstatutory double patenting is not an admission of the propriety of the rejection. The "filing of a Terminal Disclaimer simply serves the statutory function of removing the rejection of double patenting, and raises neither a presumption nor estoppel on the merits of the rejection." Quad Environmental Technologies Corp. v. Union Sanitary District, 946 F.2d 870, 20 U.S.P.Q.2d 1392 (Fed. Cir. 1991). Accordingly, Applicants filing of the attached disclaimer is provided for facilitating a timely resolution to prosecution only, and should not be interpreted as an admission as to the merits of the obviated rejection.

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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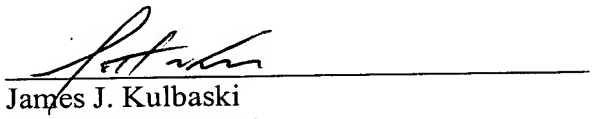

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